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Attorneys for ADOBE INC.

12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION
14

15 SYNKLOUD TECHNOLOGIES, LLC,

16 Plaintiff,

17 vs.

18 ADOBE INC.,

19 Defendant.
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Case No. 3:20-CV-07760-WHA

**JOINT CLAIM CONSTRUCTION AND
PREHEARING STATEMENT**

The Hon. William H. Alsup

In accordance with Patent Local Rule 4-3, and the scheduling order of this Court, plaintiff SynKloud Technologies, LLC and defendant Adobe Inc., by and through their counsel of record, file this Joint Claim Construction and Prehearing Statement concerning the construction of claim terms identified in Appendix A from the following Patents-in-Suit:

- '880 patent: claims 2, 7-17;
- '195 patent: claims 15-20;
- '690 patent: claims 1-20;
- '780 patent: claims 9-15; and
- '686 patent: claims 1-20.¹

I. PATENT L.R. 4-3(a): AGREED CONSTRUCTIONS

[storing/store]... or [retrieving/retrieve] – storing or storing and then retrieving – The agreed-upon claim phrase is found in the following claims: US 8,868,690 Claims 1 and 16; US 9,219,780 Claim 9; and, US 9,239,686 Claims 1 and 12.

II. PATENT L.R. 4-3(b): PROPOSED CONSTRUCTIONS OF DISPUTED TERMS

The parties' proposed construction of each disputed term, together with an identification of all references from the specification or prosecution history that support the construction, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its proposed construction or to oppose the other party's proposed construction, is provided in Appendix A.

III. PATENT L.R. 4-3(c): IDENTIFICATION OF MOST SIGNIFICANT TERMS

The parties have worked to reduce the number of claim construction disputes before the Court. At this time, the parties have identified the 9 claim terms in Appendix A for resolution by the Court. Where the parties have listed claim terms as a group, the parties agree that there is a single dispute that will resolve construction of the grouped claim terms.

Plaintiff SynKloud's Position:

¹ Plaintiff filed a Notice of Withdrawal of Claims withdrawing all asserted claims of U.S. Patent No. 10,015,254 (the "'254 Patent") on February 18, 2021, and therefore this joint statement does not address the '254 Patent. Dkt No. 89.

1 Plain and ordinary meaning governs all of the claim terms. SynKloud disagrees with
 2 Adobe's identification of disputed claim terms in the order of significance. As such, SynKloud
 3 disagrees that claim construction of any claim term is dispositive.

4 **Defendant Adobe's Position:**

5 Adobe identifies the following disputed claim terms in order of significance:

6 1. "allocating [...] a storage space of a predefined capacity" – The construction of this
 7 claim term is case dispositive and could result in a resolution in favor of Adobe on all claims.

8 2. "partition a storage device for creating the storage space according to the predefined
 9 capacity for a user of one of the wireless devices" – The construction of this claim term is
 10 potentially claim dispositive.

11 3. "the storing of a data object including to download a file from a remote server into the
 12 first one of the storage spaces" – The construction of this claim term is potentially claim
 13 dispositive.

14 4. "service provider" – The construction of this claim term is potentially claim dispositive.

15 5. "cached in a cache storage of the first wireless device"

16 6. "a server"

17 7. "download[ing] information"

18 8. "wireless device"

19 **IV. PATENT L.R. 4-3(d): ANTICIPATED LENGTH OF CLAIM CONSTRUCTION**
 20 **HEARING**

21 We understand that this Court does not have a Markman hearing, but should the Court have
 22 a claim construction hearing, we anticipate that it will be 3 hours.

23 **V. PATENT L.R. 4-3(e): WITNESSES FOR CLAIM CONSTRUCTION HEARING**

24 SynKloud does not believe expert testimony is required at the claim construction hearing.
 25 In response to Adobe bringing in an expert at the claim construction hearing, SynKloud reserves
 26 the right to include an expert in the field as well, Zaydoon (Jay) Jawadi or Stan McClellan.

27 Adobe reserves the right to call Jon Weissman, Ph.D., an expert in the field, at the claim
 28 construction hearing.

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3 Dated: June 4, 2021

Respectfully submitted,

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5 /s/ Deepali Brahmbhatt

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ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)

Pursuant to Civil Local Rule 5-1(i)(3), I, Deepali Brahmbhatt, attest that all other signatories listed and on whose behalf the filing is submitted concur in this filing's content and have authorized this filing.

By: /s/ Deepali Brahmbhatt
Deepali Brahmbhatt